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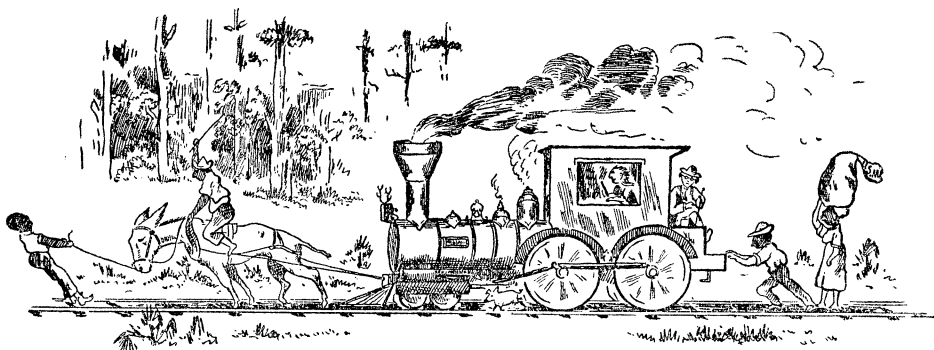
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*Proposed plan for increasing speed
on the Florida Rail Road.*



*Map of saleable Lands
on the Florida Rail Road*

THE FLORIDA HISTORICAL SOCIETY QUARTERLY.

SENATOR DAVID L. YULEE.

BY C. WICLIFFE YULEE.

(Continued.)

His memoranda show that Senator Yulee had in view several different solutions of the country's troubles: the most desired being that the North, seeing the South's united front, should give the necessary constitutional guarantees and the Union be restored; another was that the old Union and new Confederacy should form a defensive and commercial League, in which eventually, the West might possibly form a third political entity; and still another was that the West should join the South on account of their common interest in the Mississippi River—never perceiving that this would prove a motive for war instead of alliance. All these dreams, however, were scattered at the cannon's mouth, and there was nothing for one who thought his first allegiance due to the state, to do but perform his duty as she might bid him.

He had, months before Lincoln's election, addressed a public letter to his political friends announcing his intention to retire from public life and devote himself to the development of the State. Accordingly he took no part in the new government, although cordially approving of it, as its principal officers were warm personal friends, and he had besides a high opinion of President Davis' military training as a qualification for

leadership at such a juncture. It was this quality, however, which made him refuse, at first, Senator Yulee's request for the appointment of a certain Florida civilian to a generalship, in explaining which he said, "It is not every man who can make a good general," the truth of the axiom being proved later by giving the rank desired; for the officer, while brave, was severely criticized for the handling of his troops.

At the beginning of the war, Senator Yulee and his family resided at Fernandina on the Atlantic coast, but his wife and children were subsequently sent for safety to a sugar plantation called Homosassa (Indian—Little Pepper) on a small river flowing into the Gulf of Mexico. Thither he also went, when Fernandina was captured by the Federals, who shelled the train in which he was escaping and killed a man at his side.

For nearly two years now his life was the tranquil one of a Southern planter except for an occasional trip to Gainesville, a drive of eighty miles where were located the offices of the "Florida Railroad" of which he was president.

It was upon one of these trips that the first of several attempts to capture him was made; one which would have been successful but for what his wife regarded as a palpable interference of Providence. A small expedition from a gunboat led by a native spy, lay in ambush to seize him as he passed a certain lonely spot. But they were looking for a large carriage drawn by a pair of magnificent Kentucky bays, one of which having been taken suddenly ill, a barouche and pair of mules was substituted, so that the intended victim was allowed to pass unmolested. For some time a couple of companies of infantry were, at Senator Yulee's expense, kept on the river to guard against the destruction of the sugar mill, but they were soon withdrawn, leaving nothing to tell of a great war, except the news brought by the post, which toiled slowly in twice a week.

An overseer, a German gardner, and a Scotch accountant, were the only other whites within twenty miles, and the Scotchman, dying shortly after the dismissal of the German, the family would be often, during the absence of the overseer, left entirely alone with the slaves. Yet on neither side was this thought extraordinary; for there was complete and affectionate confidence between them. Senator Yulee was always solicitous as to the happiness of those dependent upon him, and certain exceptional practices as to slavery, were in themselves a condemnation of it; for he would never sell a slave; nor buy one, if it separated members of a family; which rule, upon one occasion brought, from the husband of a shrewish wife the remonstrance: "Massa, please don't put yoself out 'bout *dat*." Many of them could read, especially among those who had come (delightedly) as part of his wife's dowry, and although they knew the causes of the war, their sympathies seemed entirely with their master and mistress.

When scarlet fever broke out on the plantation, Mrs. Yulee had all the healthy children brought down the river to her own residence, in one wing of which most were lodged, the others going into the house-servants' quarters. Then, leaving her own children, whom she thereafter only saw in boats across intervening water, she went to the plantation to help in the nursing; as her father and mother had done, before her, in the great cholera epidemic of Kentucky.

Health was restored, the placid life resumed, the Yulee children studying under a beloved tutor, whom all the family accompanied, every Sunday, as he was borne in a five-oared gig, rowed by sturdy men, singing, with rythmic swing, quaint negro melodies. There, a thousand miles from his Pennsylvania home, this dear clergyman preached scholarly sermons to a congregation all of whom were reverential, and many of whom remained awake.

At the end of about two years, the whole family went off on a visit to Captain Taylor, a "neighbor" some fifty miles distant, and were enjoying to the full, a hospitality which was famous, when, at daylight one morning two of the Homosassa people appeared and told a startling tale.

The servants at the residence, alarmed by the barking of an English sheep-dog, named "Sesech," saw coming through the gloom of the night a large boat rowed with muffled oars. Snatching a few belongings, and taking a boat from another part of the island, they hurried up to the plantation, three miles distant, gave the alarm, the cooper—a mighty shot and sage—took command, torches flared through the darkness, wondering mules and oxen were geared into dozens of sugarcane wagons, bedding, children, cooking utensils and odd treasures heaped in confusedly, and, as the dawn came, a long line, headed, with bad strategy, by the armed men, marched rapidly away from the strangers, known to be bearing them freedom, toward a loved and trusted master. When at a safe distance they bivouacked in the open pine woods and sent a report of the happenings.

Upon the second day afterward four cautious scouts, perceiving everything to be quiet, proceeded to the empty residence, and finding a heavy box similar to the one used for silver—but really containing books—they put it, and also a demijohn of highly prized Madeira, into their boat and started upon their return. A navy launch appeared suddenly, from a branch river, and, for a time, seemed to be overtaking them; but, shouting: "We ain't chillun," and unmindful of the bullets, which splintered the boat and churned the water about them, they bent to their oars, finally ending the unequal contest by escaping into a narrow creek.

The next morning a high column of smoke announced the destruction of the house and the continued presence of the enemy—for, as of old, over the march of the Lord's

appointed army, there constantly hovered "a cloud of smoke by day and a pillar of fire by night." The fine library, collected by Senator Yulee's father, and himself, containing some exceedingly rare books, was the only irreparable loss, to be borne, and every one was soon fairly comfortable in new quarters on a cotton plantation near Archer.

The writer hopes he may be pardoned for narrating, at some length, an incident which he deems so honorable to his father; and he feels bound in fairness to add a fact not so favorable to the system of slavery, which is that another planter offered to buy, *en bloc*, at a high figure in cotton, these friends of Senator Yulee, who happened to be his slaves.

Soon after this affair, a conflict arose between the Confederate Government and Senator Yulee, which, through a misunderstanding on his part, led to an estrangement between President Davis and himself. The local military authorities wished, for general strategic purposes, to tear up the iron of the Florida Railroad and transfer it to Georgia, which, as President, as well as in loyalty to those Northern friends who were the principal owners, and for the protection of East Florida, he contested inch by inch, with all the indefatigable tenacity, for which he was noted. The matter was referred to the Secretary of War, Seddon, and the President, both of whom, as the records now show, gave every consideration to their friend, short of neglect of duty to the country as a whole; but Senator Yulee never knew this; on the contrary, being falsely informed, toward the close of the war, that a warrant was out for his arrest, which of course must be sanctioned by the President.

The two had long served in the Senate together, were warm personal friends, and each had, confidently, looked for the support of the other, in any measure he had much at heart. It is rare that great intimacy can exist without occasions of friction, and they had theirs, but

the sun did not go down upon them. For instance: Senator Davis having one day made, as Secretary of War, under Pierce, some rather emphatic strictures, upon a certain policy as to Military Reservations, and Senator Yulee having shown some feeling about it, he promptly wrote, explaining that he had not known the latter was interested in the matter, and closed his letter as follows:

“You are too near to me by many ties, and your kindness has been too often shown to permit me to leave you for an hour in doubt as to the affectionate regard with which I am as ever,

Your friend,

JEFFERSON DAVIS.”

Upon another occasion he wrote, chaffingly, to Senator Yulee, who had, evidently, acted upon misinformation: “Those friends of yours who were murdered quite entirely, by the removal of the troops from Fort Capron, took their death in anticipation, as I find the troops have not been removed.”

About one year before the war a friendly contest took place between them with an important bearing upon historical psychology.

Col. Joseph E. Johnston’s appointment, as Quartermaster-General, was being urged by Senator Yulee, partly on account of his own friendship, but much more, it is to be feared, by reason of the devoted intimacy between his wife and Mrs. Johnston, who had been Miss McLane of Maryland. On the other hand, Senator Davis, a graduate of West Point, distinguished in the Mexican War and an ex-Secretary of War, advocated the selection of Col. Robert E. Lee, whose military reputation was fully equal to that of his class-mate and competitor. The choice fell upon Johnston and thus was engendered, toward him, that disinclination, on the part of the future Confederate President, which was afterwards to have such momentous results. Upon these results it would be interesting, though futile, to speculate.

Unquestionably it hastened the fall of the Confederacy, when, in '64, Johnston was replaced, after having, for months, held Sherman's greatly superior army down to an average advance of one mile a day, and inflicted upon it a loss of 50,000 against his own of only 10,000.

But, as counterbalancing that, we must count the fact that, in the beginning of the war, it was this same feeling which led to Johnston's being replaced in the command of the Army of Virginia by Lee, whom Henderson, the distinguished English military critic, has declared to be: "The greatest English-speaking general since the days of Marlborough."

None of these things, had, however, left any mark upon the relations of the two Senators, and we must set down the persistent and determined action by the Government, in the railroad matter to a sense of duty and necessary dependence upon the advice of subordinates. Gossip spread exaggerated reports of the strained relations, and finally, in the Spring of '64, some northern papers announced that Senator Yulee was in favor of re-construction. As an answer to this, the Florida and other Southern papers published a letter, written, the previous autumn, in reply to a request, from citizens of both political parties, that he should go to the Confederate Congress. His loyal and emphatic approval of supporting the Government, in its trying hours, and declaration that there should be no peace, "until the Sovereignty of the Confederate States is allowed," settled the matter in the minds of Southerners.

However, on 17th August, '64, the Federal General Hatch wrote to headquarters that hearing, from deserters "that Mr. Yulee was hostile to Davis and might be induced to head a movement for reconstruction" he had thought an expedition to attempt his capture "worth trying." That same day the expedition, of cavalry and artillery, having missed capturing Senator Yulee, at Gainesville, by scarcely an hour, was completely annihilated by General Dickinson.

Of a sanguine nature, Senator Yulee hoped for success even after Hood, unheeding Napoleon's failure in a similar manoeuvre, had thrown his army in the rear of Sherman, who imitated the march of the allies upon Paris, in 1814, by tearing out the heart of Georgia. It was about this time that in answer to the request of the writer, who had seen a little fighting, as a volunteer in a cavalry company, that he be allowed to join permanently, Senator Yulee said: "The time will come, I suppose, when I must let you go, but," he added sadly, "I hope I will still count for enough to get you a better place than that."

When Grant completed his great sum in arithmetic at Appomattox, and the Confederacy vanished into history, the Governor of Florida appointed Senator Yulee one of a Commission to go on to Washington and confer with the President, as to Florida's re-establishment in the Union. While at Tallahassee he expressed himself both to the Governor and to Gen. McCook, the Commandant, as being in favor of a frank and loyal acceptance of the results of the war. The Commission, however, was not allowed to proceed, but, on the contrary, about the middle of May, 1865, Senator Yulee was arrested at Gainesville, and sent to Jacksonville. He found in command there, Gen. Vodges, who, being an officer of the regular army, treated him most considerately and allowed him to go about the city on parole, until countermanded from Washington, and ordered to send his prisoner under guard, to Fort Pulaski, near Savannah.

Several nights before this arrest, there had arrived at Cottonwood, Senator Yulee's plantation, a small cavalcade, which proved to consist of some officers belonging to the escort of the Confederate President, in his attempted escape, but who had been diverted, in Georgia, with the double purpose of making the party less conspicuous, and puzzling the pursuers. This section intended to reach the south coast of Florida, and cross over

in small open boats to Nassau, into British protection—as did later Secretary of War Benjamin. They were cordially welcomed, but were advised by their host to seek the nearest Federal command and give their parole, under the generous terms accorded by Generals Grant and Sherman. This advice they took, leaving at Cottonwood certain horses and personal effects which were to be forwarded, later, to their homes in Louisiana. Amongst these were two boxes, which Mrs. Yulee, after her husband's arrest, learned from an aide to Davis, Col. Wood, (also escaping to Nassau) contained private papers and effects, belonging to the Confederate President.

Upon this information she confided the task of secret- ing them to the writer, who, delightedly, performed it, one faithful companion assisting, by burying them, at midnight, in the cow stable, where, a few hours later, no trace of the work could be seen. Being under arrest himself, Senator Yulee determined to send his family to Gov. Wickliffe in Kentucky, and therefore he directed these boxes, when he learned the nature of their contents, to be sent to a friend, whose well known Union sentiments would, it was thought, make their care, until forwarded to Louisiana, less difficult.

A negro coachman having informed the Federal authorities of the existence of the boxes, a detachment of "Colored Troops" was sent to Cottonwood, commanded by an officer named Bryant, who in his report says: * * "I met Mrs. Yulee, claimed and received the hospitality of the house, and ascertained * * that the trunk and chest had been removed. I asked her to state frankly where I might find them. After a moment's reflection she said they were the private effects of Mr. Davis and she had received them that she might deliver them to Mrs. Davis, who was an esteemed friend. That Mr. Yulee had given them in charge to Mr. Meader * * to deliver to Mr. Williams * * who had no suspicion of the nature of the property. * * I found the property

in a store-room adjoining the house, not even locked.
 * * I also have to deliver a French musket, a most murderous weapon, which I received from Mrs. Yulee, as the private property of J. Davis."

Upon General Vodges' suggestion Senator Yulee made a statement as to this matter, in which he said, that when he learned the boxes were the property of Mr. Davis, he had continued to retain them because Mr. Davis had been a warm personal friend whose "many noble qualities" he admired, and also because there had been some estrangement between them, and for him to deliver these private effects would have the appearance, both of petty ill-nature and an effort to curry favor with his captors.

This belief in the antagonism of his former friend he carried to his death bed, and it is most pathetic to the writer, now, when both are dead, to find, in the dry official reports, how baseless the impression was, and further that among the articles mentioned by the departmental commander, as found in these very boxes, containing mostly private reports from high functionaries, were "a portrait of Jefferson Davis and wife, one of General Lee, and a letter of condolence from D. L. Yulee."*

At Fort Pulaski the officers, having the discretion not to ask for instructions too detailed, treated their prisoners most kindly, and when Senator Yulee's family, on their way North were allowed to visit him, the children, who had already been mystified by seeing "Yankee Generals" give up their quarters, on a crowded transport, to a rebel lady, were dumbfounded, when they saw their father rushing past the sentinel, over the moat-bridge, to meet them, instead of being in a dungeon, loaded down with chains.

Mrs. Yulee did not go to her father's, but to the country place of her brother-in-law, Judge Merrick in Maryland, in order to be near Washington, which was now

*This had been written a long time previous.

the center of her hopes—and fears; for sinister rumors were beginning to circulate. Her father, Governor Wickliffe, came on, saw the Attorney-General, who was a personal friend, and other influential people saw other members of the Cabinet and President Johnson, all only to confirm the rumor that a most determined effort was being made to have her husband tried by court-martial and executed as had been done with the Suratts.

Amongst the officials at Washington was one from whom Senator Yulee had much right to expect such aid as he could give; one for whom his efforts had obtained the Post Master Generalship under Buchanan, and who having been the husband of Mrs. Yulee's much loved sister, had, with her, before her death, enjoyed, for months at a time, the affectionate hospitality which Southerners extend to all those who are of their family, by blood or marriage—yet it was this man, Judge Advocate General Holt, who was with unrelenting ferocity seeking to put him to an ignominious death.

Upon what ground did he select this one out of a score of others to try by court-martial months after peace had been declared? He said it was because he had documentary proof that Senator Yulee had tried to learn what stores and armament were in the Pensacola Forts and also had advised the prompt seizure of those forts, by the State (which was expected to have seceded *before* the letter reached its recipient, *as proved to be the case.*) Yet the official records show that he had at that very time dozens of similar documents in regard to other public men. The charge as to asking about armament, etc., was peculiarly frivolous as the demand had been a formal one, signed by both Florida Senators, and had been answered by Holt himself, as Acting Secretary of War, without the slightest intimation that he judged it treasonable.

It was his own nature, a compound of petty virtues and crawling vices, which, prompted by diseased vanity,

sought to bite the hand that had aided him, and shine, in artificial light, as a spurious Brutus. He had been degraded, by the noble-minded Lincoln from his cabinet place, and put into the one which he now held, where in everything, except ability, he resembled the notorious Fouché of whom, when it was said he had great contempt for human nature, Talleyrand remarked: "He has studied himself very carefully."

Unfortunately he had to aid him in exciting passion against Senator Yulee, the fact that the latter in a letter, speaking of his retirement from the Senate, said he would give the "enemy a shot" (which he did not do) "and that I am willing to be their masters but not their brothers." While the loss of political mastery was of course the reason for secession, yet the sweeping expression as to brotherhood was not true, and was evidently written in a moment when threats of coercion had angered him. He signed it "Yours in haste, and to the writer there is internal evidence of this hastiness in the palpably faulty grammatical construction; such as he has not found elsewhere, in any of his father's writings.

Of the Cabinet, Stanton had been Senator Yulee's friend and Seward had always been friendly, but now the former gave no sign of opposition to his subordinate's designs, and the latter was said to be open in hostility; but this is most doubtful. Months passed and even Gov. Wickliffe, noted for his iron nerves, was grave with appreciation, when one day a high official drew him apart and gave him a message from President Johnson: "Tell Mrs. Yulee," he said "that not one hair of her husband's head shall be touched—but for me to do anything now in his behalf, while passions remain excited, would only injure his cause."

This assurance calmed the acuteness of anxiety, but when a year passed and of all the prisoners only the Confederate President, Senator Clay, and Senator Yulee remained, hope deferred made the heart sick. Then it

was suggested from Washington that a letter from General Grant would be of benefit, and General Joseph E. Johnston wrote asking him to intervene.

Wires flashed, and magically the prison doors were thrown open; as were the hearts of Senator Yulee and his family, for the great and simple soldier, who had enemies only in time of war.*

When ex-President Grant was ending his triumphal progress around the world, by a still more triumphal one through the South, he was asked to come to Fernandina, the town where Senator Yulee was residing, which, altering his plans, he did, remaining several days. There his enthusiastic reception by ex-Confederates greatly puzzled his black admirers, who were also disappointed in his appearance; as expressed by one of them, in reply to the writer, who had asked what he thought of General Grant: "——Waal, Mr. Yulee——he ain't as hearty a man as your Pa."

Now, at the age of fifty-six, having spent twenty-five years in a not undistinguished, public career, Senator Yulee commenced, and carried on for twenty years more, the most strenuous work of his life: that of restoring to vitality that part of the railroad system of Florida in which he was personally interested. His own holdings in it might have been wiped out by those Northern security-holders for whom he had fought so loyally, and the largest owner was in favor of doing so, and besides leaving upon him the burden of one of the railroad's promissory notes for \$100,000.00—which he had personally endorsed. But another one of them, E. N. Dickerson, a gentleman born, and of a more dominating character, would not have it thus, and Senator Yulee received, not only his former share, but even an additional amount, to represent his unpaid services in the road's behalf.

The road from its poverty and the wilderness of the country had been from the first the object of jests both

*Stanton had some three months previously, without effect, advised that Senator Yulee be released on parole.

inimical and friendly, and now its cars, which lay, mingled with its locomotives, in a scrap-heap, had a right of way, to run upon, represented by "a streak of rust over some rotten sleepers.*

Of the seemingly endless difficulties and discouragements with which Senator Yulee fought resolutely through two decades, it is not possible to write, but at last success came, and the road being sold to some English capitalists, he found himself in possession of an income which in the "Eighties" was termed "comfortable" but which would scarcely be thought so now.

At the height of the carpet bag rule in Florida Senator Yulee was offered a number of Republican votes, in the Legislature, sufficient, when joined with those of the Democrats to elect him to the United States Senate, but, on account of his business affairs, he felt obliged to decline.

His attitude toward that great problem of the South, the negro citizen, may be learned from two resolutions, taken from a series, which he offered to Gov. Hart for use in the reconstruction Convention of '67 and '68: "*Resolved*, That we accept as settled principles in the policy of our country the perpetual union of the States, and the liberty and civil equality of all citizens * * * . *Resolved*, that free government is practicable, and consistent with civil order and social progress, only in the degree that communities are advanced in virtue and intelligence, and that, therefore, the education of all the people is a proper subject of public concern in all republics."

But he foresaw equally that while book learning might be quickly given, it would take more than a single generation to evoke in them that essential principle of popular government: *a sense of responsibility*; for this faculty had been paralyzed by long tutelage as slaves. In fact, he realized that the difficulty at the South was simply a result of universal suffrage—the theory that

*See Frontispiece.

all men are equally competent to govern; and with a change of color, the same danger confronted the North, where, in some communities, the electorate resembled the witches' stew in Macbeth.

In 1880, Senator Yulee went again to reside in Washington, drawn by many reasons; a married daughter lived there; his wife could see more of her own paternal family; and he wished his unmarried daughters to see something of that society in which their mother had passed so many years of her life. There too were many of his former friends and by none was he greeted more cordially than by those who were leading lights in the councils of the Republican party, like Fish, of New York, Frelinghuysen, of New Jersey, Curtin, of Pennsylvania, or Hamlin, the Vice-President under Lincoln.

Four years after moving to Washington the family had only been installed a few months in their new home, on Connecticut Avenue (now the Austrian Embassy), when the prophetic Spanish proverb: "The house is built and the hearse stands before the door" was fulfilled by the death of the idolized wife and mother.

The central motive of his life was gone, and when, nineteen months later, the same shadowy message knocked at the door of the bereft man, there was little to aid the great physicians in barring his entrance.

Senator Yulee died in the Clarendon Hotel, New York, 10th October, 1886, of a bronchial cold contracted on a Fall River boat, upon which, there being an insufficiency of blankets, he had taken part of his own covering to put over his grand-child. His heart, too, which was functionally unsound, had been weakened by going into the mountains; urged by his children, who did not know of the trouble.

Side by side, undivided even in death, the two lie in the beautiful Georgetown Cemetery, at Washington, where the murmuring stream sings, perpetually, its gentle requiem.

Owing to the limitations already self-prescribed, the writer will attempt no further summary of Senator Yulee's character than to make one quotation from the first letter written to him, after his imprisonment in Fort Pulaski by his devoted wife: "* * I would not have you presumptuous, but let it console you that what the psalmist says: 'Blessed is the man who considereth the Poor, the Lord will deliver him in time of trouble.'"

This imperfect sketch has been written with a loving hand, and the writer finds himself unable to add that the subject of it, who served his state for twenty-five years with the best of heart and mind, was a traitor. Being neither a profound lawyer, nor eminent statesman, as are all the writers north of the Mason and Dixon line, he finds himself unable to see that there was absolutely no vestige of a right of secession in the Constitution.

Secession cannot become a purely academic question while, on its account, a long line of illustrious statesmen are portrayed as fools or knaves, to credulous children, or newly veneered citizens, by current historians; with all the resistless power of a machine-type-set, stereotyped, roller press. Therefore the loyal biographer of Senator Yulee must say a few words upon the subject; in proof or extenuation, according to the previously formed opinion of the reader.

It is generally conceded that the Constitution is not explicit upon this point, so that we must judge by inferences drawn from the circumstances of its production, and, for this purpose, only such facts shall be given as are relevant, uncontested and incontestable.

The first Federal Union or Confederation having proved ineffectual in certain matters, a Convention was called for remedying the defects. According to Governor Morris (*a Pennsylvania delegate*): "Fisheries or the Mississippi (*its free navigation*. *C. W. Y.*) are the two great objects of the Union;" while Gorham (*from Massachusetts*) stated that "the Eastern states had no motive

to Union but a commercial one;" (*the regulation of interstate and foreign commerce. C. W. Y.*) and we may add that the large holding of the public debt in certain States, and the wish to have it guaranteed by a "strong government," was an additional motive.

Naturally, we ask: did the States have the right of separation, under the old Constitution, which it was now proposed to modify? In that instrument they were styled the "United States" followed by the name of each separate State; they retained their "Sovereignty, freedom, and independence not expressly delegated;" and Great Britain in her treaty of peace had recognized them by name separately and specifically.

All through the proceedings of this Convention the possibility of dissolution, of the existing Union, was recognized: as where Hamilton (*N. Y.*) alludes to "some of the consequences of dissolution of the Union;" Franklin thinks "our States are on the point of separation;" Elbridge Gerry (*Mass.*) says, "the present Confederation is dissolving." But a more convincing fact is that they *did* dissolve; since, as pointed out by Gerry, the very mode of forming the new Union was a dissolution of the old; for it provided that when nine of the States should have, separately and independently, ratified the new Constitution they would then form a new Union, *leaving the other four in the old.*

Upon the question as to whether or not there should be a radical change, the members of the Convention soon divided into two hostile camps, one led by Randolph (*of Virginia*) favoring a "national," and the other led by Patterson (*of New Jersey*), favoring a "*federal*" form of government. "Mr. Gouverneur Morris explained the distinction between a *federal* and a *national supreme* government; the former being a mere compact resting on the good faith of the parties, and the latter having a complete and compulsive operation."*

*Gilpin and Elliot Editions of Madison Papers. This important declaration is by Bancroft transposed and "Confederate" substituted for "Federal"—probably through the carelessness of some assistant.—C. W. Y.

The first report of resolutions, by the Committee of the whole, reported by Gorham, was headed by one declaring that "A national Government ought to be formed." But the resistance of the smaller States, led by New Jersey, threatened to end the Convention; so that the word "*National*" was stricken out of the first and second, or *declaratory* resolutions, and was used in the remaining resolutions only to distinguish between the government of the United States and the particular states; it *nowhere* appears in the Constitution, subsequently adopted; which, moreover, is called "*federal*" in the letter, prepared by the Convention, submitting it, for adoption by the States.

The difficulty, of combining this "sovereign" character of the States, with unity and prompt action by the general government, was finally solved by giving, to each State, sovereign equality in the *Senate*, to which body of the assembled States, was also confided those peculiar powers of sovereignty; making treaties, appointing ambassadors, and other officers, in co-operation with the President; who was himself to be chosen by the States, individually, through Electors, whom they might appoint in any manner they pleased, although the number was to vary according to the State's population. This quality of the Senate was declared by Wilson* (Penn.) when saying: "that the Senate defends the States rights under the plan proposed."

Was the right of separation, possessed under the old Constitution, surrendered under the new? Certainly not *explicitly*; and not even *impliedly*, it seems to the writer.

In the new Preamble it did not, as in the old, name the states individually, but that was because it was *uncertain*, which states would enter the new combination. The old phrase "Perpetual Union" was changed to "more perfect—not *perfect* but "*more* perfect—," and

*One of the committee which drafted the Constitution.

one of its objects was to provide for the "common"* defense—the same word as used in the old. The title remained the same: "The United States," and in the body of the Constitution the whole nation is alluded to in the plural as "*their* authority," "Trust under *them*." Moreover the general government could not purchase any land, for forts, etc., without the consent of the State, in which it lay.

The members of the Convention who wanted a "national" government evidently did not have their wish. Randolph would not sign the new Constitution, nor would Gerry, who however said: "A government short of a proper national one, is better than one which would operate on discontented States" and Hamilton declared that, "no man's ideas were more remote from the plan than his own."

The general impression made is that the new Constitution was a sort of *modus vivendi*, on this point; left indeterminate because the smaller states would never have entered the new Union, if they thought they thereby surrendered themselves irrevocably to the larger. Besides, some members of the Convention thought separation in the distant future might possibly be wise; as voiced by Gorham (*of Massachusetts*), a "national" man and one of the committee which framed the Constitution: "Can it be supposed that this vast country, including the Western territory, will one hundred and fifty years hence remain one nation?"

Finally: Mr. Rawle of Philadelphia, a friend of Washington—*who presided over the Convention*—and by whom he was more than once offered the post of Attorney-General, says in Rawle on the Constitution (1825): "*The secession of a state from the Union depends on the will of the people of such State.*"

With this record, only a very wise man, or a very great fool, can, with certainty, pronounce hundreds of able lawyers and otherwise upright men, to be traitors.

*Common; belonging equally to. Cham. Dict.

To anyone studying, for himself, the different phases of this great struggle, the conviction must come that on both sides the prominent men were conspicuous for the sincerity of their beliefs, and were totally unconscious that they were influenced by environment or irresistible economic movement.

Had not the Mayflower encountered a southwest gale, she would have proceeded to her destination in Virginia, and the Puritans would there have, for one additional century, remained the strict but just masters which they were in Massachusetts. Their homes being transported, the sonorous sentences of Webster would have defended States-Rights and Calhoun's close reasoning would have proved the impossibility of any State remaining in a Union which it would not obey; Davis would have made a fiery abolitionist, and Sumner a humane slave holder indignant at the imputations of the other; while history might have been altered, had Grant been living in South Carolina.

All of these notable men, of a notable era, were only atoms of the upper or nether millstones, with which the Gods are slowly grinding out the destinies of the human race.

